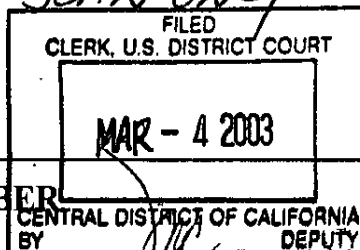


**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**



Lyle Menendez,

Petitioner,

v.

C. A. Terhune,

Respondent.

CASE NUMBER
CV 00-02359 R (AN)

**NOTICE OF FILING
OF MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND THE
LODGING OF PROPOSED JUDGMENT
AND/OR ORDER**

TO: All Parties of Record

Cliff Gardner
2088 Union Street
Suite 3
San Francisco, CA 94123

Kenneth C. Byrne, Supervising DAG
Office of the Attorney General
300 South Spring Street, Suite 5000
Los Angeles, CA 90013

You are hereby notified that pursuant to the Local Rules Governing Duties of Magistrate Judges, the Magistrate Judge's report and recommendation has been filed and a proposed judgment and/or order has been lodged on March 4, 2003, copies of which are attached.

Any party having objections to the report and recommendation and the proposed judgment and/or order shall, not later than March 21, 2003, file and serve a written statement of objections with points and authorities in support thereof before the Honorable Arthur Nakazato, U.S. Magistrate Judge.

Failure to so object within the time limit specified shall be deemed as consent to the recommendation and a waiver of any appeal. Upon receipt of objections, or upon the lapse of the time for filing objections, the case will be submitted to the District Judge for disposition. Following entry of judgment and/or order, all motions or other matters in the case will be considered and determined by the District Judge.

The report and recommendation of a Magistrate Judge is not a final appealable order. A notice of appeal pursuant to Federal Rules of Appellate Procedure 4(a)(1) should not be filed until entry of a judgment and/or order by the District Judge.

CLERK, UNITED STATES DISTRICT COURT

Dated: March 4, 2003

By **Melissa Cash**
Deputy Clerk

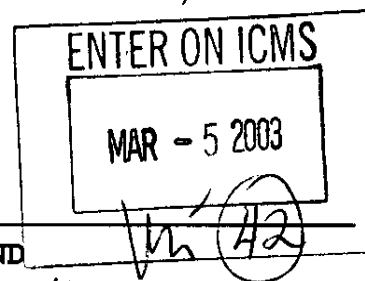
Melissa Cash

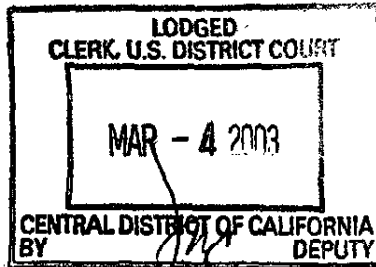
Attachments

I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY
FIRST CLASS MAIL, POSTAGE PREPAID, TO ALL COUNSEL
(OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF
RECORD IN THIS ACTION ON THIS DATE.

DATED: 3-4-03

Melissa Cash
DEPUTY CLERK





UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

LYLE MENENDEZ,
Petitioner,
v.
C. A. TERHUNE,
Respondent.

Case No. CV 00-02359-R (AN)

PROPOSED

ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the file, including the Magistrate Judge's Report and Recommendation, *de novo*.

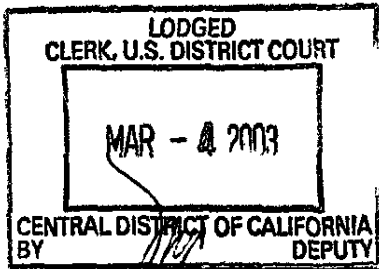
IT IS ORDERED:

1. The Report and Recommendation is approved and adopted.
2. Judgment shall be entered denying the Petition and dismissing this action with prejudice.

IT IS FURTHER ORDERED that the Clerk of the Court shall serve a copy of this Order and the Judgment on all counsel or parties of record.

Dated: _____, 2003

MANUEL L. REAL
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

LYLE MENENDEZ,
Petitioner,
v.
C. A. TERHUNE,
Respondent.

Case No. CV 00-02359 R (AN)

JUDGMENT

PROPOSED

IT IS HEREBY ADJUDGED that this action is dismissed with prejudice for the reasons set forth in the Magistrate Judge's Report and Recommendation.

Dated: _____, 2003

MANUEL L. REAL
UNITED STATES DISTRICT JUDGE